

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CRYSTAL MEYER,

Plaintiff,

v.

LAND HOME FINANCIAL SERVICES,

Defendant.

Case No. 3:23-cv-05406-TMC

ORDER DISMISSING CASE WITHOUT
PREJUDICE

This matter comes before the Court on the October 17, 2023 Order to Show Cause. Dkt. 7. The Court has considered the record and dismisses the case without prejudice.

On June 26, 2023, the Court issued an Order Regarding Initial Disclosures, Joint Status Report, Discovery, Depositions, and Early Settlement. Dkt. 5. In that order, the Court directed that the parties file a Joint Status Report and Discovery Plan (“JSR”) by September 25, 2023, pursuant to Fed. R. Civ. P. 16 and Local Rules W.D. Wash. LCR 16(a). *Id.* The Court directed that Plaintiff’s counsel would be responsible for starting the communications needed to comply with the order. *Id.*


The parties did not file a JSR on September 25, 2023. Accordingly, on October 17, 2023, the Court issued an Order to Show Cause that provided:

1 Fed. R. Civ. P. 16 (f)(1) provides that the court, on motion or on its own,
2 may issue “any just orders including those authorized by Fed. R. Civ. P.
3 37(b)(2)(A)(ii)-(vii)” if a party “fails to obey a scheduling or other pretrial
4 order.” Under Fed. R. Civ. P. 37(b)(2)(A)(v), the court may dismiss an
5 action or proceeding in whole or in part for failure to obey a court order. It
6 is Plaintiff’s responsibility to initiate communications needed to comply
7 with the court’s orders requiring a Combined Joint Status Report and
8 Discovery Plan, and they have not shown that they have done so.
9 Accordingly, Plaintiff should show cause, if any they have, why this case
10 should not be dismissed without prejudice under Fed. R. Civ. P. 16(f)(1)
11 and 37(b)(2)(A)(v) by November 7, 2023.

12 Dkt. 7 at 2. The Court ordered that “Not later than November 7, 2023, Plaintiff shall show cause
13 in writing, if any they have, why this case should not be dismissed without prejudice for failure
14 to comply with Fed. R. Civ. P. 16 and W. D. Wash. Local Civil Rule 16(a).” *Id.*

15 The Plaintiff did not respond to the October 17, 2023 order. Therefore, the Court
16 ORDERS that the case is DISMISSED without prejudice for failure to comply with
17 Fed. R. Civ. P. 16(F)(1) and 37(b)(2)(A)(v).

18 Dated this 14th day of November, 2023.

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Tiffany M. Cartwright
United States District Court Judge